

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

**CRAIG SCOTT,**

**Petitioner**

**v.**

**U.S. ATTORNEY GENERAL  
ERIC HOLDER, *et al.*,**

**Respondents**

**CIVIL NO. 1:11-CV-0757**

**(Judge Rambo)**

**(Magistrate Judge Carlson)**

**FILED**  
**HARRISBURG, PA**

**JUL 13 2011**

**MARY E. D'ANDREA, CLERK**  
**Per** \_\_\_\_\_  
**Deputy Clerk**

**MEMORANDUM**

Before the court is a May 25, 2011, report of the magistrate judge to whom this matter was referred in which he recommends that the petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2241 be denied. Petitioner, Craig Scott, has filed objections to the report and recommendation to which Respondents filed a response. The matter is ripe for disposition.

Scott is a prisoner at Allenwood Federal Correctional Institution in White Deer, Pennsylvania. Scott challenges the Bureau of Prisons' calculation of his various sentences.

In his report, the magistrate judge found that the Bureau of Prisons properly determined that Scott's sentence commenced February 17, 1995, when his first federal sentence was imposed. The magistrate judge also determined that the Bureau of Prisons properly credited Scott with 254 days or credit for his detention from June 8, 1994 through February 16, 1995. The magistrate judge further found that Scott's challenge to the validity of Bureau of Prison policies and procedure and the mandate, pursuant to 18 U.S.C. § 3584(a), that "multiple terms of imprisonment

ordered to run consecutively or concurrently shall be treated for administrative purposes as a single, aggregate term of imprisonment,” to be without merit.

In Scott’s objections to the report and recommendation, he challenges the magistrate judge’s conclusion that the Bureau of Prisons correctly determined his sentence commencement date to be February 17, 1995. He maintains that he was not in custody until March 20, 1995 – when he was transported to the Federal Correctional Institution at Allenwood to begin service of his sentence. Scott also objects to the magistrate judge’s conclusion that the Bureau of Prisons properly awarded him prior custody credit of 254 days, insisting that his federal sentence did not commence until March 20, 1995. Scott’s third objection is an accusation that the magistrate judge is using a legal fiction or assuming without evidence that the Bureau of Prisons made a *nunc pro tunc* designation of the facility where he was held in pretrial detention for service of his federal sentence from February 17, 1995 until March 20, 1995. Scott’s fourth objection is to the magistrate judge’s conclusion that Scott is not entitled to mandamus relief and to discovery.

The Government has filed a brief in opposition to Scott’s objections. Upon review of the record before the court, including Scott’s objections and the Government’s response, this court finds that (1) the date Scott was taken into custody by federal authorities was February 17, 1995; (2) Scott’s challenge to the validity of the Bureau of Prisons’ policies and procedure that “multiple terms if imprisonment ordered to run consecutively or concurrently shall be treated for administrative purposes as a single, aggregate term of imprisonment,” is without merit; (3) the Bureau of Prisons properly credited him with 254 days of pretrial detention; and (4) he is not entitled to mandamus relief, and he is not entitled to discovery.

Therefore, this court adopts the reasoning set forth in the report and recommendation of the magistrate judge and in the Government's response to Scott's objections. An appropriate order will be issued.

  
SYLVIA H. RAMBO  
United States District Judge

Dated: July 13, 2011.

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**CIVIL NO. 1:11-CV-0757**

**(Judge Rambo)**

**(Magistrate Judge Carlson)**

**ORDER**

AND NOW, this *13* day of July, 2011, **IT IS HEREBY ORDERED**

**THAT:**

- 1) The court adopts the report and recommendation of Magistrate Judge Carlson (doc. 9).
- 2) The petition for writ of habeas corpus is **DENIED**.
- 3) The court declines to issue a certificate of appealability.
- 4) The Clerk of Court shall close the file.

  
SYLVIA H. RAMBO  
United States District Judge

Dated: July *13* , 2011.